

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE

JEFF MORGAN
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

LAB 2-2020
CHAPTER 804
LANDSCAPE ARCHITECT BOARD

FILED
08/07/2020 10:54 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: New Continuing Education Exemption Options to Address Hardships from Emergency or Disaster Situations

EFFECTIVE DATE: 08/07/2020 THROUGH 02/02/2021

AGENCY APPROVED DATE: 08/05/2020

CONTACT: Christine Valentine 707 13th St SE
503-589-0093 Suite 114
oslab.info@oregon.gov Salem, OR 97301

Filed By:
Christine Valentine
Rules Coordinator

NEED FOR THE RULE(S):

The Board determined there was a need to provide an avenue for registrants facing economic, health, or related hardship as a result of the COVID-19 emergency to request relief from standard continuing education requirements. While the Board offers flexibility as to the types of continuing education activities that can be completed and does allow for online options, the Board recognizes that some registrants may still face significant hardship limiting ability to complete continuing education as a result of the protracted COVID-19 emergency.

JUSTIFICATION OF TEMPORARY FILING:

(1) Board registrants are not immune from hardships caused by the COVID-19 emergency. Registrants that are unable to complete continuing education requirements due to hardship resulting from the emergency situation are at risk of not being able to maintain registration. Registration is required to practice in Oregon, thus there is potential for livelihoods to be further impacted. Alternatively, a registrant that renews without having completed the required continuing education runs the risk of facing civil penalties or disciplinary action for having renewed when knowingly not having met the requirements for renewal. The COVID-19 emergency highlighted for the Board the need to have a way to work with individual registrants to address such hardships, thereby helping registrants avoid potential risk to their registration status and thus their ability to practice in Oregon. The temporary rule includes a new provision allowing for exemptions due to economic and other non-health related hardship. The temporary rule also allows the Board to approve exemptions due to health-related, economic or other related hardship retroactively. Previously, the Board could approve an exemption due to a disability, health, or related hardship but could only do so proactively (i.e., prior to a renewal deadline). The changes only apply to Board registrants and should have significant, positive impact for those individuals. The changes do not apply to any others. Exemptions are limited to those registrants that truly need the relief as opposed to being applied carte blanche to all registrants. Any exemptions granted are limited to a single renewal year. For these reasons, the Board does not believe there will be an impact on the ability of registrants to practice in a manner protective of public health, safety, and welfare.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Emergency and other executive orders issued by the Governor of Oregon. Emails from Board registrants. Miscellaneous information related to the impacts of the COVID-19 emergency on individuals and firms. Documents are available from the Board office.

AMEND: 804-025-0010

RULE SUMMARY: This rule sets forth when registrants can request exemptions to continuing education requirements. In response to the COVID-19 emergency, the Board added a new exemption to address economic and related hardships resulting from federal or state declared disasters or emergencies. The Board also added some allowance for certain exemptions to be granted retroactively.

CHANGES TO RULE:

804-025-0010

Continuing Education Requirements ¶¶

(1) Upon Board review and approval, a registrant may be exempted from continuing education requirements in any of the following situations:¶¶

(a) A registrant is called to active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a calendar year. This registrant may request an exemption from completing the required continuing education during any renewal period in which the registrant is on active duty.¶¶

(b) A registrant experiences physical disability, illness, or other extenuating circumstances that prevents the registrant from practicing landscape architecture for a specified period of time. The registrant may request a full exemption from or reduction in the required continuing education hours during the renewal period(s) in which unable to practice or practice is restricted. .¶¶

(c) A registrant working or travelling outside of the U.S. for an extended period of time as part of government employment, for humanitarian service, or for another similar purpose in areas where continuing education activities cannot readily be accessed or completed may request a full exemption from or reduction in the required continuing education hours during the renewal period(s) in which the work or travel outside the U.S. is occurring.¶¶

(d) A registrant experiences economic hardship or other related hardship impacting ability to complete continuing education, whether such hardship prevented practice or not, due to the impacts of a federal or state-declared disaster or federal or state-declared emergency. The registrant may request a full exemption from or reduction in the required continuing education hours during the renewal period(s) in which the hardship occurred. ¶¶

(e) A registrant requesting an exemption shall provide supporting documentation for the Board's review. The Board may request additional documentation as deemed necessary to consider the request. Each exemption is granted at the sole discretion of the Board.¶¶

(ef) Instead of requesting an exemption, a registrant in good standing and facing circumstances described under (1)(a), (b), (c), or (ed) may request to be placed on inactive status under ORS 671.376(4) and OAR 804-022-0025. A registrant on inactive status can request a return to active practice within a five (5) year period counted forward from the date inactive status was granted by the Board.¶¶

(2) The Board may delegate the authority to approve continuing education exemptions to the Board Administrator.¶¶

(3) Any exemption approved will be documented in a written letter from the Board to the registrant.¶¶

(4) Except under (1)(b) or (1)(d), exemptions will not be approved retroactively. The Board may approve an exemption retroactively under (1)(b) or (1)(d) where, in its sole discretion, the Board finds that the registrant has demonstrated extenuating circumstances which prevented completion of continuing education in the renewal year and provided justification as to why the registrant did not request the exemption proactively.

Statutory/Other Authority: ORS 671.395, 671.415

Statutes/Other Implemented: ORS 671.376, 671.395