

21 NCAC 28B .0104 is adopted with changes as published in 33:11 NCR 1181-1186 as follows:

**21 NCAC 28B .0104      ANNUAL REPORTS**

(a) On or before October 31 of each year, the Board shall prepare and file reports required pursuant to G.S. 93B-2. The Board shall file reports in the manner requested by receiving agency or committee.

(b) The Board shall maintain an escrow account at the financial institution used ~~regularly~~ for deposits and checks. Fees tendered during a period of suspension under G.S. 93B-2(d) shall be deposited into this escrow account.

*History Note:      Authority G.S. 89D-15; 93B-2;*

*Eff. June 1, 2019.*

21 NCAC 28B .0201 is amended with changes as published in 33:11 NCR 1181-1186 as follows:

## SECTION .0200 – LICENSURE; RECIPROCITY

### 21 NCAC 28B .0201 APPLICATIONS FOR LICENSURE

(a) All applicants for licensure or examination shall submit an application to the Board. The application form shall be available on the Board website or may be obtained by contacting the Board office. The application shall require the following:

- (1) The Social Security Number of applicant;
- (2) The applicant's contact information;
- (3) The name of business under which licensee will be operating, if any;
- (4) Information about all crimes of which the applicant has been convicted;
- (5) Documentation regarding all crimes of which the applicant has been convicted;
- (6) Information indicating whether the applicant has any disciplinary history with any other occupational licensing, registration or certification board or agency;
- (7) Three personal letters of reference;
- (8) Two professional letters of reference;
- (9) The corporate surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);
- (10) The application fee as set forth in Rule .0601 of this Subchapter.

(b) All letters of reference as required by Subparagraphs (a)(7) and (a)(8) of this Rule shall include the following information for the person providing the reference:

- (1) Name;
- (2) Address;
- (3) Phone number; and
- (4) Email address.

(c) Once an applicant has submitted a complete application and has been determined to have met the minimum qualifications set forth in G.S. 89D-16(a), the Board will notify the applicant that the ~~applicant~~ applicant's qualifier is permitted to take an examination. Prior to taking the examination, the applicant shall submit an examination fee as set ~~out forth~~ in Rule .0601 of this Subchapter. In order for a qualifier to be permitted to take an examination, an applicant shall submit a complete application no less than 30 days prior to a scheduled examination date.

(d) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-refundable.

~~(e) [A qualifier has one year from the date an application is approved by the Board to take and pass an examination.]~~

A qualifier shall take and pass an examination within one year from the date an application is approved by the Board.

(f) If a license expires pursuant to G.S. 89D-20(a) and is not renewed within one year of the date of expiration, the licensee must submit a new application pursuant to this Rule.

1     *History Note:*     *Authority G.S. 89D-15(2); 89D-15(4); 89D-16; 89D-20;*  
2                     *Temporary Adoption Eff. January 1, 2016;*  
3                     *Eff. September 1, ~~2016~~ 2016;*  
4                     *Amended Eff. June 1, 2019.*

21 NCAC 28B .0402 is amended with changes as published in 33:11 NCR 1181-1186 as follows:

**21 NCAC 28B .0402 CONTINUING EDUCATION UNITS**

(a) A licensee shall ~~personally~~ complete ~~in-person~~ seven continuing education units (CEUs) during the year preceding renewal. Beginning with renewals filed after August 1, 2016, at least three of the seven CEUs must be technical credits and at least two of the seven CEUs must be business credits. If the information provided to the Board as required by this Section is unclear, the Board may request additional information from a licensee in order to assure compliance with continuing education requirements.

(b) For the purposes of this Rule:

(1) "technical credits" are defined as credits relating directly to the subject matter of landscape contracting as described in G.S. 89D-11(3); and

(2) "business credits" are defined as credits relating to general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.

(c) CEUs shall be determined as follows:

Type of Qualifying Activity	Minimum time required for 1 CEU
Live course	50 minutes
Online course	50 minutes
Trade Shows, Field Days, and Tours	4 hours
<u>Green Industry</u> Board Member Service	1 hour
Teaching or instructing	1 hour
In-house or Green Industry training	1 hour

(d) No more than two CEU credits ~~will~~ shall be given for qualifying teaching or instructing in one year.

(e) No more than four CEU credits ~~will~~ shall be given for pesticide credits issued by the North Carolina Department of Agriculture and Consumer Services in ~~a given~~ one year.

~~(f)~~ (f) Credit shall not be given in increments of less than .5 CEUs. Breaks in courses shall not be counted towards CEU credit.

~~(g)~~ (g) Requests for pre-approval as set forth in Rule .0405 of this Subchapter shall be submitted at least 45 days prior to the first day of the course or event.

(h) All continuing education shall be taken ~~personally~~ in-person by the individual receiving credit.

(i) A licensee shall not take the same CEU course within two consecutive licensing years.

1 (j) A licensee licensed less than 12 months shall not be ~~required to submit evidence of continuing education at the~~  
2 ~~initial renewal date.~~ subject to continuing education requirements for the initial renewal date as set forth in this Rule.

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4 *History Note:* Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b);  
5 Temporary Adoption Eff. January 1, 2016;  
6 Eff. September 1, ~~2016~~ 2016;  
7 Amended Eff. June 1, 2019.

21 NCAC 28B .0403 is amended with changes as published in 33:11 NCR 1181-1186 as follows:

**21 NCAC 28B .0403 CONTINUING EDUCATION RECORDS; AUDIT**

(a) A licensee shall maintain records of attendance at continuing education programs for which CEUs have been approved for two years following the processing date of the renewal application to which the CEUs were applied.

(b) Compliance with annual CEU requirements shall be determined through a random audit process conducted by the Board. Licensees selected for auditing shall provide the Board with the following documentation of the CEU activities claimed for the renewal period:

(1) Attendance verification records; and

(2) Information regarding course content, instructors, and sponsoring organization.

(c) Licensees selected for audit shall submit all requested information to the Board within 21 calendar days after the date the licensee was notified by the Board of the audit.

(d) Failure to maintain compliance with the Board's continuing education requirements ~~will~~ shall result in the licensee's status being ~~automatically~~ changed to inactive.

*History Note Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b);*

*Temporary Adoption Eff. January 1, 2016;*

*Eff. September 1, ~~2016-2016~~;*

*Amended Eff. June 1, 2019.*