

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Landscape Contractors' Licensing Board

RULE CITATION: 21 NCAC 28B .0402

DEADLINE FOR RECEIPT: Friday, March 10, 2023.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 6, please use the active tense, and specify who is providing information to the Board.

In (b)(1)(A)-(D), I don't understand the groupings here. What function are they serving, particularly in the absence of the now deleted paragraph (c)?

In the table under (c), I'm not sure I understand the entries for "Green Industry Board Member Service" and "NC Landscape Contractors Licensing Board Service". If I understand the function of the table correctly, it appears you're saying 5 hours of service equals 1 hour of CEU credit. If so, I don't understand the reference to "maximum" and "3 technical and 2 business".

The other interpretation I came up with is that 5 hours of service on each kind of board satisfies the 3 technical and 2 business hour requirement from (a), but that doesn't comport with the rest of the table.

Also, with respect to the table under (c), what is a "Green Industry"? Is this defined elsewhere? I see it in R. 0405, but it's limited to "this Rule".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: February 24, 2023

1 21 NCAC 28B .0402 is amended as published in 37:11 NCR 876-877 as follows:

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21 NCAC 28B .0402 CONTINUING EDUCATION UNITS

(a) A licensee shall complete in-person seven continuing education units (CEUs) during the year preceding renewal. 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 to the subject matter of landscape contracting as described in G.S. 89D-11(3) and Rules .0502 through .0511 in this Subchapter. The rules shall be grouped as follows:
 - (A) Group A: topics covered in Rules .0502, .0503, .0510, and .0511 in this Subchapter;
 - (B) Group B: topics covered in Rules .0504 and .0506 in this Subchapter;
 - (C) Group C: topics covered in Rules .0507 through .0509 in this Subchapter;
 - (D) Group D: topics covered in Rule .0505; 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) Beginning with renewals filed after August 1, 2022, a licensee shall obtain one technical credit in at least two groups described in Subparagraph (b)(1) of this Rule in each licensing year. A licensee shall obtain at least one technical credit in each of the distinct groups described in Subparagraph (b)(1) of this Rule during a consecutive three-year period.~~

~~(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
Green Industry Board Member Service	5 hours maximum (3 technical and 2 business)
Teaching or instructing	1 hour
In-house or Green Industry training	1 hour
NC Landscape Contractors Licensing Board Service	5 hours maximum (3 technical and 2 business)

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

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

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

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

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

7 ~~(i)~~ A licensee licensed less than 12 months shall not be subject to continuing education requirements for the initial
8 renewal date as set forth in this Rule.

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

11 *Temporary Adoption Eff. January 1, 2016;*

12 *Eff. September 1, 2016;*

13 *Amended Eff. April 1, 2023; July 1, 2021; June 1, 2019.*