



BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
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The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architecture Registration Boards (CLARB) and a section covering landscape architecture in California; out-of-state applicants must also pass an oral examination given by the Board. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

Authorized in Business and Professions Code section 5615 *et seq.*, BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms. BLA's regulations are codified in Division 26, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

BLA Decides to Continue Use of CLARB Exam. On July 12, CLARB released a draft version of the results of a survey conducted by Educational Testing Services (ETS) regarding the range of services rendered by landscape architects in all areas of practice. The purpose of the occupational analysis is to enable CLARB (and state licensing boards) to evaluate the validity of CLARB's standardized Uniform National Examination (UNE), which has been the subject of some controversy in recent years. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 79; Vol. 11, No.

1 (Winter 1991) p. 66; and Vol. 10, No. 4 (Fall 1990) p. 78 for background information.)

BLA had requested that CLARB perform the survey and use the results to update the UNE; BLA will use the results to verify that the aspects of the profession tested by CLARB on its exam are consistent with BLA's concerns. Previously, BLA has threatened to break away from CLARB and design its own licensing test which better reflects the state's diverse environmental and geological characteristics. To guarantee California's continued participation in CLARB, BLA has demanded that CLARB write a new exam by June 1992; formulate a plan to correct the exam grading process to include double grading of the non-objective portions or provide an exam which does not require double grading; and develop a long-term program for regular task analysis and exam updating.

In performing the occupational analysis, ETS randomly mailed surveys to over 5,000 registered landscape architects residing and working in the United States and Canada; 1,639, or about 33%, of the surveys were returned. Over half of the respondents are registered in only one state; 28% of the respondents are registered in California, Florida, or New York. About 67% of the respondents replied that their position requires them to be licensed. Almost half of the respondents work for landscape architectural firms; 16% work for an architectural/engineering firm; and 15% work for a governmental entity. Primary job functions commonly reported include project management, client relations, site/environmental analysis, consultant coordination, specification work, and design. The most common specialty fields noted are commercial, residential, recreational, and institutional. One percent of respondents have a two-year college degree; 53% have a four- or five-year college degree; 28% have a master's degree; and .7% have a doctoral degree.

At BLA's August 2 meeting, Clarence Chaffee from CLARB and Scott Wesley from ETS addressed the Board regarding the ETS survey. Mr. Chaffee reported that CLARB intends to revise its exam in time for the June 1992 administration, and conduct a task analysis every five to seven years for future examination development. Mr. Chaffee also announced that CLARB would charge \$345, \$375, and \$410 per applicant for the exam (including grading, but not appeals) in 1992, 1993, and 1994, respectively; CLARB currently charges \$325 per applicant.

Dr. Norman Hertz, from the Department of Consumer Affairs' Central Testing Unit, questioned Mr. Wesley regarding concerns that the survey should have utilized a sampling technique which would have better represented respondents from all geographical settings; should have questioned only those who have been licensed for less than five years because they best represent those most likely to take the new exam; and should have excluded Canadians from the sampling. Mr. Wesley responded that ETS purposely performed a random sampling rather than a stratified random sampling; the survey sampled both new and experienced licensees to offer a sampling of various levels of expertise; and that ETS intentionally included Canada to offer an international perspective.

In order to verify and corroborate the results of CLARB's occupational analysis as applied to California landscape architecture, BLA contracted with Psychological Services, Inc., to perform a task analysis specific to California licensees. At its June 7 and August 2 meetings, the Board discussed the results of PSI's "Occupational Analysis of Landscape Architect in California." PSI representative Wade Gibson was present at both meetings to review the results with the Board. Board members expressed surprise that, according to the survey, California landscape architects devote 25% of their time to residential projects, as compared to 19% for commercial projects. Major areas of practice for the respondents involve design, construction documents, and administration/management.

In particular, the Board discussed PSI's survey results regarding the issue of reciprocity with other states if BLA were to administer its own licensing test. Over 60% of the respondents stated that they have never practiced landscape architecture outside of California, and 82% stated that all or almost all of their projects are located in California. Nevertheless, the survey indicates that respondents are very concerned about their ability to receive reciprocity from other states. Mr. Gibson opined that the state could find a resolution to any reciprocity problem, and reaffirmed the importance of PSI's survey as a means by which to measure any examination proposed by CLARB.

In the meantime, BLA complied with the requirements of SB 2899 (Green) (Chapter 1548, Statutes of 1990) (see CRLR Vol. 10, No. 4 (Fall 1990) p. 78 for background information). That bill required BLA, by June 30, 1991, to report to the legislature with a cost com-



parison of developing a new licensing examination independent of the national examination. On June 24, BLA reported that the cost of administering CLARB's UNE, not including the costs of the supplemental California exam and exam administration costs, would be \$144,000 in 1992, \$154,000 in 1993, and \$165,000 in 1994. The rough estimates given to BLA by an exam contractor of the cost of developing, administering, and scoring a new BLA examination were \$150,000-\$175,000 for 1992, \$159,000-\$185,000 for 1993, and \$168,540-\$196,680 for 1994.

On July 15, the Northern California Chapter of the American Council of Landscape Architects conveyed to BLA its unanimous recommendation that BLA "continue to participate fully in CLARB and continue to use the UNE examination plus the California section added to the examination. Further, the board should continue to press for examination improvements." The organization noted that CLARB conducted its task analysis in direct response to California's concerns, and has indicated that it will revise its exam based on the task analysis results; national reciprocity is very important to many landscape architects; and use of the UNE would probably be less expensive than BLA's preparation of its own exam. Finally, the group noted: "We consider it unwise to repeat the experience of the architects when the State withdrew from NCARB, and eventually returned to the NCARB process." (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 44-45 for a description of the Board of Architectural Examiners' unsuccessful experiment in administering its own exam.)

Thus, after considering CLARB's task analysis and its representation that it would periodically repeat that procedure, PSI's analysis of California landscape architecture—which, the Board agreed, generally matches the CLARB analysis, and the cost estimates, BLA voted at its August meeting to enter into a one-year contract with CLARB for the new UNE examination which will be provided by CLARB in June 1992.

Proposed Regulatory Action. BLA recently announced its plans to amend sections 2610, 2649, and 2671, Title 16 of the CCR. BLA's proposed change to section 2649 would increase the Board's examination application fee from \$325 to \$425, and increase the fee for an original license certificate from \$300 to \$400; the proposed fees constitute the maximum amounts authorized by Business and Professions Code section 5681. The Board's proposed amendments to section 2671 would require

that a landscape architect include his/her name and the words "landscape architect" in all public presentations. Finally, BLA proposes to amend section 2610 to change the deadline for filing an application for the licensing exam from the current requirement of at least ninety days prior to the date of the examination to on or before March 15 of the year in which the application is made. The Board was scheduled to hold a public hearing on these proposed amendments on October 18.

In other regulatory action, BLA submitted an important rulemaking package to the Office of Administrative Law (OAL) on September 16. The Board's repeal of existing section 2620, adoption of new sections 2620 and 2620.5, and amendment of section 2649 will clarify the educational and experience requirements necessary to sit for BLA's licensing exam and increase selected fees. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 82; Vol. 11, No. 2 (Spring 1991) p. 79; and Vol. 11, No. 1 (Winter 1991) pp. 65-66 for background information.)

ASLA Requests Regulatory Determination. The August 9 *California Regulatory Notice Register* contained a notice of a request for regulatory determination submitted to OAL by the American Society of Landscape Architects (ASLA). Specifically, ASLA questions BLA's policy which allows applicants for its licensing test to qualify for the examination by meeting either education or experience requirements. OAL will determine if this policy is a "regulation" as defined in Government Code section 11342(b), and thus subject to the requirements of the Administrative Procedure Act. OAL was scheduled to make this determination by October 23.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 3 (Summer 1991) at page 82:

AB 1893 (Lancaster), as amended August 19, authorizes BLA to adopt guidelines for the delegation of its authority to grade the examinations of licensure applicants to any vendor under contract to the Board. This bill was signed by the Governor on October 7 (Chapter 654, Statutes of 1991).

AB 1996 (Campbell). Under existing law, in any action for indemnity or damages arising out of the professional negligence of a person licensed as a professional architect, engineer, or land surveyor, the plaintiff's attorney is required to attempt to obtain consultation with at least one professional architect, engineer, or land surveyor who is not a

party to the action; the attorney is then required to file specified certifications. As introduced March 8, this bill would specify that these provisions also apply to actions arising out of the professional negligence of landscape architects. This bill is pending in the Assembly Judiciary Committee.

SB 173 (Bergeson). Under existing law, state and local agency heads may contract for specified services based on demonstrated competence and professional qualifications rather than competitive bidding. As introduced January 14, this bill would add landscape architectural services to the list of specified services. This bill is pending in the Senate Transportation Committee.

RECENT MEETINGS:

At BLA's August 2 meeting, the Board agreed to pursue legislation which would allow BLA to mandate the inclusion of the license expiration date on all official stamps; legally define the term "landscape architect"; and authorize BLA to mandate continuing education.

FUTURE MEETINGS:

December 6 in Sacramento.
January 17 in Burbank.

MEDICAL BOARD OF CALIFORNIA

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The Medical Board of California (MBC) is an administrative agency within the state Department of Consumer Affairs (DCA). The Board, which consists of twelve physicians and seven nonphysicians appointed to four-year terms, is divided into three autonomous divisions: Licensing, Medical Quality, and Allied Health Professions.

The purpose of MBC and its three divisions is to protect the consumer from incompetent, grossly negligent, unlicensed, or unethical practitioners; to enforce provisions of the Medical Practice Act (California Business and Professions Code section 2000 *et seq.*); and to educate healing arts licensees and the public on health quality issues. The Board's regulations are codified in Division 13, Title 16 of the California Code of Regulations (CCR).

The functions of the individual divisions are as follows:

MBC's Division of Licensing (DOL) is responsible for issuing regular, limited, and probationary licenses and certificates under the Board's jurisdiction;