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Ethics: Compliance with Continuing Professional Education Requirements

An ethical question for members, with guidance from the ASLA Ethics Committee and its legal counsel.

Gets Bye, FASLA, is a licensed landscape architect in a state that requires continuing education for license renewal. Bye retired from full-time work after practicing landscape architecture as a state parks employee for more than 40 years. She now takes on occasional landscape design projects when she needs the money. After receiving notice that her records had been checked and she had been found deficient in the required number of credit hours, Bye contacted the licensing board and contested the necessity for continuing education. She claimed that she should be grandfathered, (1) without having to take continuing education courses due to her semiretired status and her lifetime of experience in the profession supervising other landscape architects' work.



Unsuccessful in convincing the licensing agency, Bye signed up for a local workshop on "green design" issues taught by Cutting Edge. During the workshop, Bye was inattentive, uncooperative, and openly critical of Edge's new information. "I have been practicing all my life and never had any problems in my practice. At my age, why should I have to take this course?" She left the room many times during the presentation and eventually fell asleep in the back. She awoke in time to take an evaluative quiz at the end of the session, but did not answer a single question correctly.

Cutting Edge refused to validate Bye's attendance certificate because she had not successfully completed the course. Bye once more tried to convince the licensing

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agency that continuing education had no effect on her practice. After this second unsuccessful attempt, she simply continued to practice without completing the required number of learning unit hours.

Bye's actions **(2)** were a violation of Rule R1.303 of the ASLA Code of Professional Ethics, which states:

Members shall continually seek to raise the standards of aesthetic, ecological, and cultural excellence through compliance with applicable state requirements for continuing education.

Regardless of her former sector of practice and the length and depth of her experience, Gets Bye must comply with the laws of the state in which she practices. Further, it is precisely because some individuals have been using antiquated techniques or processes that are no longer applicable that continuing education is so important and "grandfathering" is unacceptable. Not all states require continuing education for licensure, but mandated continuing education has been adopted in 26 states, with several more states expected to promulgate requirements within the next few years. It makes sense that licensees regularly update their knowledge, skills, and abilities. The process adds value, and everyone needs a refresher course from time to time.

1. A legal provision under which an individual is allowed to practice without the benefit of continuing education because the individual may have already been practicing without such benefit at the time the requirement was enacted.
2. In cases involving a failure to complete mandatory continuing education under the state licensing requirements, a complaint would be deferred under the ASLA ethics procedures until after the state licensing board made a final determination in the case.

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